

EXHIBIT 3



ORIGINAL

1 UNITED STATES OF AMERICA
2 DEPARTMENT OF VETERANS AFFAIRS
3 OFFICE OF RESOLUTION MANAGEMENT
4 BAY PINES, FLORIDA

5 -----

6 LARRY D. THOMAS, \

7 Complainant,

8 vs.

Case No.
200I-0619-2004102917

9 CENTRAL ALABAMA VETERANS
10 HEALTH CARE SYSTEM,
11 WEST CAMPUS,

12 Respondent. /

13 -----

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16
17 TELEPHONIC
18 SWORN STATEMENT OF SAUNDRAH VENNE
19 Wednesday - October 27, 2004
20 11:00 a.m. - 11:20 a.m.

21
22

APPEARANCES:

17 DEPARTMENT OF VETERANS AFFAIRS
18 OFFICE OF RESOLUTION MANAGEMENT
19 Ten Thousand Bay Pines Boulevard
20 Building 37 Room 112
21 Bay Pines, Florida 33708
22 BY: WINSTON JOHNSON
EEO SPECIALIST



1 P-R-O-C-E-E-D-I-N-G-S

2 11:00 a.m.

3 The sworn statement of SAUNDRAH
4 VENNE, witness, was taken before me, KATHRYN
5 L. LILLY, Notary Public, State of North Carolina,
6 pursuant to said Notice in said cause for the
7 taking of said sworn statement.

8 * * *

9 INVESTIGATOR JOHNSON: Do you
10 solemnly swear or affirm that the information
11 that you are about to give is true and complete
12 to the best of your knowledge and belief?

13 THE WITNESS: Yes, I do.

14 Whereupon,

15 SAUNDRAH VENNE
16 a witness, called for examination, after having
17 been first duly sworn or affirmed, was examined
18 and testified as follows:

19 EXAMINATION

20 BY INVESTIGATOR JOHNSON:

21 Q. For the record, my name is Winston
22 Johnson, EEO investigator, and I'm taking the

1 telephonic affidavit for the complaint of Larry
2 D. Thomas against the Central Alabama Veterans
3 Health Care System, West Campus, Case Number
4 200I-0619-2004102917.

5 Would you state for the record your
6 name and spell it, please?

7 A. Saundrah Venne, S-A-U-N-D-R-A-H,
8 V-E-N-N-E.

9 Q. You have the right to have a
10 representative present. Do you have a
11 representative?

12 A. No.

13 Q. Would you like to proceed without
14 one?

15 A. Yes.

16 Q. Where are you employed?

17 A. CAVHCS, Central Alabama Veterans
18 Health Care System.

19 Q. How Long have you been employed at
20 this facility?

21 A. At this facility I have been
22 employed since 1999.

1 Q. What is your title and grade?

2 A. I'm a Systems Manager for Vista
3 Imaging, GS-12.

4 Q. Who is your first line supervisor?

5 A. Joey Wilkes.

6 Q. Who is your second level supervisor?

7 A. I guess that would be Brad Stephens.

8 Q. This investigation will focus on the
9 claim accepted for investigation. I will read
10 the claim into the record before you respond to
11 it. Claim, termination during probationary
12 period, whether on the basis of race (black) the
13 Complainant was discriminated against when on or
14 about May 14, 2004, Chief Information Officer,
15 William Greer, informed him at the end of the
16 workday his employment as the Vista Imaging
17 implementation Manager, GS-12, would be
18 terminated during his probationary period for
19 failure to successfully perform the duties of
20 the position.

21 Since this complaint is based on the
22 Complainant's race, please identify your race?

1 A. Asian.

2 Q. Do you know the Complainant?

3 A. Yes.

4 Q. How do you know the Complainant?

5 A. We worked together. We were
6 supposed to work together jointly on this
7 project.

8 Q. Did you have a role in the selection
9 process when the Complainant was hired?

10 A. No.

11 Q. In a memo dated June 17, 2004, Mr.
12 William Greer, Chief Information Officer,
13 identified several factors that the
14 Complainant's termination was based upon. Mr.
15 Greer stated that the Complainant superseded the
16 direction of the VISN initiative and his
17 interpersonal communication did not promote good
18 will.

19 Could you comment on this assessment
20 of the Complainant's performance?

21 A. Can I ask for clarification?

22 Q. Yes.

1 A. Is that like when he doesn't talk to
2 me and stuff like that and he does things on his
3 own?

4 Q. Interpersonal communication, yes.

5 A. There was like almost none between
6 us.

7 Q. Did he follow the direction of the
8 VISN initiative, do you know anything about
9 that?

10 A. No, he did not, because the VISN had
11 said this is what we need to do, and he started
12 doing his own thing.

13 Q. The Complainant challenged Mr.
14 Greer's statement that his communication does
15 not promote good will. He claims he had a
16 pretty good rapport with everybody, including
17 service chiefs, managers and supervisors.

18 Could you comment on the
19 Complainant's assessment of his communication?

20 A. Well, his communication, he didn't
21 communicate with myself, which is the System
22 Manager for Vista Imaging. With him making

1 promises to service chiefs and then the service
2 chiefs coming to me is wrong. He should have
3 came to me before he went to the service chiefs
4 to see if what he was wanting to implement would
5 have been feasible.

6 Q. Mr. Greer stated the Complainant's
7 lack of understanding of organization, internal
8 process and committee structure. Could you
9 comment on this assessment in regard to the
10 Complainant's understanding of these processes
11 and structures?

12 A. I don't think he even understood the
13 process to tell you the truth. He would go out
14 on his own and make decisions on his own and not
15 involve anyone in IRM, and when it came time for
16 an implementation where you had promised an
17 implementation date, no one else knew about it
18 and we were trying to play catch up on what he
19 had done. Again, there's no communication. He
20 never used our chain of command. It just caused
21 a lot of problems inside the whole hospital.

22 Q. In addition, the Complainant stated

1 the system was not ready for implementation
2 which was the system manager's responsibility,
3 but it reflected upon him. Can you comment on
4 this assessment?

5 A. Sure. When he arrived on site the
6 TSO Team had not arrived. It was ready for
7 implementation as far as all the equipment had
8 been set up, all the equipment had been checked.
9 The TSO Team does the install. And that was our
10 training session. It was ready and it was one
11 of the easiest installs that the TSO Team has
12 ever done. They even commented on it.

13 Q. Mr. Greer stated that the
14 Complainant's training and documentation was of
15 such poor quality that the training sessions had
16 to be presented to IT staff members for review
17 prior to client presentation.

18 Can you comment on this assessment
19 of the Complainant's lack of training expertise?

20 A. I actually have no information on
21 that. I have never seen any of his training
22 sessions.

1 Q. The Complainant testified that he
2 was the best qualified trainer on the staff in
3 regard to Microsoft and Vista Imaging training.
4 Could you comment on his expertise as a trainer?

5 A. I'm trying to think how I'm going to
6 put this. As far as training for Microsoft, he
7 could barely use Microsoft. He did not know how
8 to use spell check or the thesaurus. He did not
9 know how to set up his own personal views in
10 Outlook. He even had trouble browsing for a
11 Microsoft document.

12 As far as Vista Imaging, no, because
13 I did training as well, and I'm not sure why he
14 trained for two hours, but most of the Vista
15 Imaging training should not take more than half
16 an hour. He did not know the system. He did
17 not understand how it worked. I don't see how
18 you can train something you don't understand.

19 Q. Mr. Greer stated that the
20 Complainant's written composition was of such
21 poor quality that the clinical team leader
22 needed to review electronic messages for

1 accurate professional content prior to
2 electronic mailing.

3 Can you comment on this assessment
4 of his written communication?

5 A. Yes. His spelling was really
6 atrocious. His English skills were almost
7 non-existent. His e-mail messages were really
8 poor quality. I've actually seen better
9 compositions done by junior high students. He
10 did not know how to use the spell check. He did
11 not know how to use a thesaurus. His grammar
12 was just really terrible. I've actually got
13 some of those e-mails and they were bad, you
14 couldn't understand them.

15 Q. Have you had the opportunity to
16 review other written documents generated by the
17 Complainant?

18 A. I don't think he wrote any that I
19 know of, so I would have no information on that.

20 Q. Mr. Greer alleged a security
21 violation when the Complainant allowed his son
22 to use a government laptop to install Kazaa, a

1 file sharing program. Do you have relevant
2 knowledge related to this alleged security
3 violation?

4 A. I have no knowledge of that one.

5 Q. Mr. Greer stated that the
6 Complainant's method of communication did not
7 always promote good will and often alienated
8 their clients and managers. Could you comment
9 on this, his method of communication with
10 managers and other clients?

11 A. He would go to the clients, which is
12 our different departments, and then tell
13 everyone how bad IRM was and that he should be
14 running IRM. Yes, I do know that because they
15 have told me this.

16 Q. The Complainant testified that he
17 only had a problem with one manager when the
18 manager e-mailed a supervisor about a concern
19 prior to giving him the opportunity to resolve
20 it. He said he worked well with other managers.
21 Did he work well with most of the managers?

22 A. I didn't realize he worked with any

1 managers other than his own immediate
2 supervisors.

3 Q. Managers and service chiefs?

4 A. I would not know really.

5 Q. Mr. Greer stated that based upon the
6 Complainant's lack of clinical background he
7 could not obtain a grasp on clinical needs,
8 roles and responsibilities. Can you comment on
9 the assessment of the Complainant's lack of
10 awareness in regard to clinical needs?

11 A. Yes. He doesn't have a clinical
12 background, but he could have grasped it by
13 getting the manuals and reading them or even
14 talking to the people about what they were doing
15 and what they needed instead of telling them
16 what they wanted and what they needed.

17 Q. How would you describe the
18 Complainant's interactions with the female staff
19 members?

20 A. I'm actually one of them that filed
21 a complaint against him.

22 Q. Share that with me.

1 A. I filed a complaint. We did an
2 agreement -- what is it? You talk it out.

3 **Q. Mediation?**

4 A. Yes, a mediation. He's very forward
5 with females. He's just a bad person. He
6 doesn't like women who might have something to
7 say is my perception of it, so he does things
8 that he knows they are not going to like, like
9 touching them when he's not supposed to. He's
10 kind of gross.

11 **Q. Were there any allegations of**
12 **inappropriate conduct besides your complaint?**

13 A. Oh, yeah. There's been others he's
14 been asked not to even go near.

15 **Q. How would you characterize your work**
16 **relationship with the Complainant?**

17 A. It started out great. It did. It
18 started out really well. I tried so hard to
19 help him. After three months of trying hard to
20 help him and him telling me how stupid I was, I
21 decided that's fine, let him learn on his own.
22 It just really deteriorated to the point where

1 he was off in his own little world and doing his
2 own little thing and I just spent my time trying
3 to clean up after it.

4 Q. How important was it for the
5 implementation manager and the system manager to
6 work together to complete this project?

7 A. It was very important because they
8 have to work hand in hand. They have to work
9 together. You have to know the whole aspect of
10 everything in order to keep it running. You
11 have to know how all of the images interacted
12 and came to our system, you had to know how it
13 talked to our system, you had to know how the
14 whole thing talked to Vista. And in order to
15 train it you had to understand how all of this
16 stuff works.

17 One person cannot do all of it is
18 what it amounts to, but two people can do almost
19 all of it and keep it running smoothly. It's
20 not a one person job and each person going off
21 in their own little different directions, that
22 only tears the system apart rather than making

1 it work together. As an implementation manager
2 you are supposed to go out and review.

3 According to national these are the
4 different types of instruments that we can
5 implement into our system because this is an FDA
6 approved system, but only these FDA approved
7 devices can attach to our system and this is how
8 it's going to attach and this is what needs to
9 be done. He works with the system manager on
10 that because the system manager is the person
11 who has to make sure it works and talks to Vista
12 and Vista Imaging.

13 Q. And how did your work relationship
14 affect the completion of the project?

15 A. It put it back probably about three
16 to four months. We're still catching up.

17 Q. The Complainant testified that he
18 was interviewed telephonically for the position,
19 and the interview panel assumed that he was
20 white based on his diction. He stated that the
21 staff members were shocked when they realized he
22 was a black person.

1 Could you comment on that
2 assumption?

3 A. No, I can't. I wasn't part of that
4 board or privy to that type of information.

5 Q. Have you heard anyone mention
6 anything like this?

7 A. No, sir.

8 Q. The Complainant states shortly after
9 the six-month evaluation Mr. Greer requested the
10 Complainant provide copies of his training
11 certificates. Do you have relevant knowledge
12 related to this request?

13 A. Only the fact that Mr. Thomas kept
14 telling us that he was a Microsoft certified
15 engineer, but he sure had a hard time using
16 Microsoft products.

17 Q. The Complainant stated he could not
18 get approval for overtime. Do you have relevant
19 knowledge related to this alleged denial?

20 A. No one gets approved for overtime
21 here, unless you're on call and only when you
22 get called back.

1 Q. Do you have any reason to believe
2 that the Complainant's termination during his
3 probationary period was influenced by his race?

4 A. No.

5 Q. Do you have any additional
6 information that you would like to add regarding
7 the claims that you have not already shared with
8 we, something that I may have missed that would
9 clarify this issue, add clarity to this issue?

10 A. I don't think so. I think I was
11 pretty vocal on that. I do get upset sometimes
12 when -- it's just that he should have taken more
13 time to learn about the system.

14 Q. I would like to ask you at this
15 time, would you like a copy of your transcript?

16 A. Yes, I would, please.

17 Q. These are the guidelines that you
18 must follow. The witness may not make any marks
19 on the transcript itself, but that all
20 corrections should be made on an errata sheet
21 that will be provided with the transcript. Any
22 changes to the original transcript will not be

1 included into the investigative file.

2 The signed transcript and correction
3 sheet are to be returned by mail to the
4 investigator within seven calendar days of
5 receipt. If the signed transcript and
6 correction sheet are not returned to the
7 investigator within seven calendar days, it will
8 be deemed that the witness has elected to waive
9 her right to review, correct and sign.

10 Witnesses will be encouraged to keep
11 a copy of the errata sheet and transcript. The
12 witness may not make substantive changes to the
13 transcript.

14 Ms. Venne, I am going to mail this
15 to you Fed Ex so I would like for you to provide
16 an address and a telephone number where you
17 would prefer to receive your transcript.

18 A. Go ahead and send it to my home

19 address at [REDACTED]
20 [REDACTED]

21 Q. And the telephone number?

22 A. You probably ought to call me at

1 work, and that's (334)272-4670, extension 4299.

2 Q. What would be to best time for
3 delivery?

4 A. After 5:00.

5 INVESTIGATOR JOHNSON: This ends
6 your sworn statement, and I want to thank you
7 for your time and your cooperation.

8 * * * *

9 (Thereupon, at approximately 11:20
10 a.m. the above proceeding was adjourned.)

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1 CERTIFICATE OF NOTARY PUBLIC

2 STATE OF NORTH CAROLINA

3 I, Kathryn L. Lilly, a Notary Public in
4 and for the State of North Carolina, before
5 whom the foregoing cause was taken, do hereby
6 certify that the witness whose testimony appears
7 in the foregoing transcript was taken by me
8 in shorthand at the time mentioned in the
9 caption hereof and thereafter transcribed by me;
10 that said transcript is a record of the
11 testimony given by said witness to the best of
12 my ability; that I am neither counsel for,
13 related to, nor employed by any parties to the
14 action; and further, that I am not a relative or
15 employee of any counsel or attorney employed by
16 the parties hereto, nor financially or otherwise
17 interested in the outcome of this action.

18

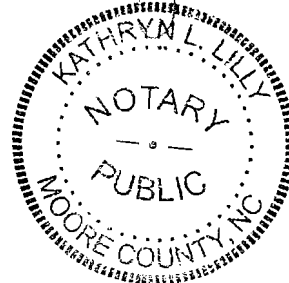
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21 My Commission Expires:
22 July 27, 2008



NOTARY PUBLIC



DEPARTMENT OF VETERANS AFFAIRS
OFFICE OF RESOLUTION MANAGEMENT
BAY PINES, FLORIDA

LARRY D. THOMAS,
Complainant,

vs.

Case No.
200I-0619-2004102917

CENTRAL ALABAMA VETERANS
HEALTH CARE SYSTEM,
WEST CAMPUS,

Respondent.

ACKNOWLEDGMENT OF DEPONENT

I, Saundrah Venne, do hereby acknowledge
that I have read and examined pages 2 through 19,
inclusive, of the transcript of my deposition
taken on Wednesday, October 27, 2004, and that:

(Check appropriate box)

[] the same is a true, correct, and complete
transcription of the answers given by me to the
questions therein recorded.

[] except for the changes noted in the attached
Errata sheet, the same is a true, correct, and
complete transcription of the answers given by me
to the questions therein recorded.

Date

Signature

1	ERRATA SHEET	
2	Page and line number as reported:	Correction or change and reason
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November 3, 2004

Ms. Saundrah Venne
[REDACTED]
[REDACTED]

RE: Larry D. Thomas – Discrimination Complaint
Agency Case No. 200I-0619-2004102917

Dear Ms. Venne:

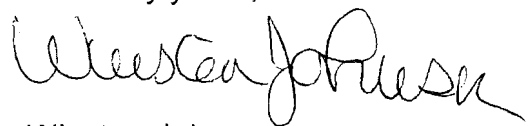
The transcript of your testimony is enclosed. If after reviewing it, you find it necessary to make corrections, please type them on the attached correction sheet. You may not make any changes that would alter the substance of your testimony. You may attach additional sheets, as necessary. Please initial any additional sheets. You may **not write on the original transcript**. Any changes made on the original transcript will not be included in the investigative file.

When you have completed the correction sheet and signed the transcript, you should return both to me at Department of Veterans Affairs, ORM Field Office (08J), P.O. Box 5005, Bay Pines, FL 33744, before the close of business on November 12, 2004.

If you do not return the correction sheet and signed transcript by this date, you will be deemed to have waived your right to review correct and sign the transcript; and the original transcript will be included in the investigative record as is.

Thank you for your prompt attention to this matter. Please call me at (727) 319-1171, if you have any questions.

Sincerely yours,



Winston Johnson
EEO Investigator

Enclosure: Transcript

From: Origin ID: (727)319-1171
Winston Johnson
Dept of Veterans Affairs
Resolution Management (08J)
10000 Bay Pines Blvd.
St. Petersburg, FL 33708



CLS0914040506

SHIP TO: 0830500 0150

BILL SENDER

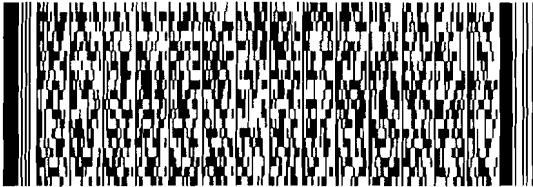
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Ship Date: 03NOV04
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System#: 2453096/INET2000
Account#: S *****

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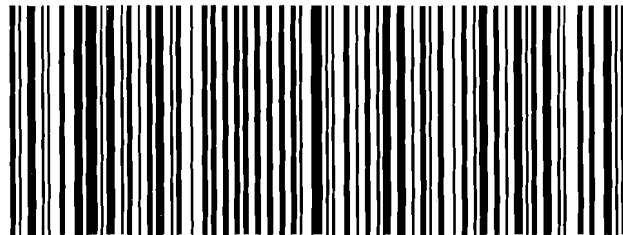
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SJ MGMA



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